

Attorney Docket No.: E00295.70066.US

# **CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing. CHECK BOX, if applicable:  
 (Only for Continuation applications under 37 CFR 1.53(d)) ☐ DUPLICATE

<b>Address to:</b>  <b>Box CPA</b> <b>Commissioner for Patents</b> <b>Washington, DC 20231</b>	<b>Attorney Docket No.</b> <i>of prior application</i>	E00295.70066.US
	<b>First Named Inventor</b>	Steven M. Blumenau
	<b>Express Mail Label No.</b>	N/A
	<b>Date of Deposit/Faxing</b>	January 15, 2003

FAX RECEIVED

JAN 15 2003

PETITIONS OFFICE

This is a request for a ☐ continuation or ☐ divisional application under 37 CFR 1.53(d), ☒ (continued prosecution application (CPA)) of prior application number 09/107,618, filed on June 30, 1998, entitled METHOD AND APPARATUS FOR PROVIDING DATA MANAGEMENT FOR A STORAGE SYSTEM COUPLED TO A NETWORK.

## **NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 60092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application: .
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☒ Information Disclosure Statement (IDS) is enclosed:
  - a. ☒ PTO-1449
  - b. ☒ Copies of IDS Citations

673148.1

2/15/2003 AKELLEY 00000011 232825 09107618

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**Attorney Docket No.: E00295.70066.US**

CLAIMS	FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
	TOTAL CLAIMS (37 CFR 1.16(c))	32-20=	12x	\$ 18.00	= \$ 216.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	3-3=	0 x	\$ 84.00	= \$ 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) +			\$ 280.00	= \$ 0.00
				BASIC FEE (37 CFR 1.16(e))	\$ 750.00
	Fee for Petition for Extension of Time (if any)			\$	0.00
	Other Fees (if any)			\$	130.00
	Total of above Calculations =			\$	1098.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)			\$	0.00
	Assignment Recordation Fee (if any)			\$	0.00
	TOTAL =			\$	1098.00

No check is enclosed.

**6. Small entity status:**

- a. ☐ Applicant claims small entity status. See 37 CFR 1.27.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired. **\*NOTE: Checking this box will not establish small-entity status. If you pay the large-entity fee. If you check this box, be sure to pay the small-entity fee.**
- c. ☐ Is no longer claimed.

**7. Payment:**

- a. ☐ A check in the amount of is enclosed.
- b. ☐ No fee is enclosed.
- c. ☒ The Commissioner is hereby authorized to credit overpayments or charge the filing fees to Deposit Account No. 23/2825.


8. ☐ A return receipt postcard is enclosed. (Should be specifically itemized. See MPEP 503.)9. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months(not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.10. ☐ New Attorney Docket Number, if desired: \_\_\_\_\_  
(Prior application Attorney Docket Number will carry over to this CPA unless a new Attorney Docket Number has been provided herein.)

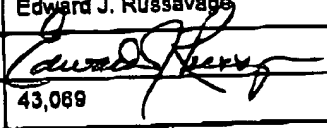
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General Authorization to Charge Deposit Account and General Request for Extension of Time	
11. a.	<input checked="" type="checkbox"/> If the filing of any paper in this application necessitates the payment of a fee under 37 CFR §§ <input checked="" type="checkbox"/> 1.16 <input checked="" type="checkbox"/> 1.17 or <input type="checkbox"/> 1.18, and the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.
b.	<input type="checkbox"/> The applicant hereby revokes any prior authorization to charge a fee due under 37 CFR §§ <input type="checkbox"/> 1.16, <input type="checkbox"/> 1.17, or <input type="checkbox"/> 1.18.
12.	<input checked="" type="checkbox"/> If the timely filing of this CPA request or any other paper in this application necessitates an extension of time under 37 CFR §1.136(a), the applicant hereby requests such extension of time. If the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.

13. ☒ Other: Petition to Withdraw Application From Issue Under 37 C.F.R. §1.313(c)(2)

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS				
 <b>23628</b>				
<input checked="" type="checkbox"/> Customer Number or Bar Code Label or				
<input type="checkbox"/> New correspondence address below (if applicable) NOTE: Do not fill in correspondence address if bar code label checked.				
ATTORNEY		, Reg. No.		
FIRM NAME				
ADDRESS				
CITY		STATE		ZIP CODE
COUNTRY		TELEPHONE		FAX

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	Edward J. Russavage
SIGNATURE	
REGISTRATION NO.	43,069
DATE	1/15/03